



IDAHO DEPARTMENT OF
WATER RESOURCES

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Governor Brad Little

Director Mathew Weaver

July 9, 2026

MICHAEL R. DORRIS
111 FINN CHURCH LN
MCCALL, ID 83638

RE: Notice of Change in Water Right Ownership and Water Supply Bank Information
Water Right 77-4169L

Dear Michael Dorris,

As discussed during our phone call on 7/7/2026, you expressed wanting to relinquish Water Right 77-4169 to your brother. Water Right 77-4169L is currently owned by Michael R. Dorris and is appurtenant to the property located at the following legal description: T21N R07E S02 Lot 8 in Valley County, Idaho.

If the Water Right place of use will not change, then no action is required. Your brother can use this water right without being the property owner or owner of the water right. If your brother plans to use this water right at a different place of use, such as an adjacent parcel, then the Change in Water Right Ownership and WR POU transfer forms would be required. For your convenience, I have enclosed the Notice of Change in Water Right Ownership and POU transfer forms.

Note: A fillable PDF version of the Notice of Change in water right ownership can be found on IDWR's website at: <https://idwr.idaho.gov/about-idwr/forms/adjudication/>

Additionally, you asked for information regarding maintaining water rights for a period of nonuse without risking forfeiture. As described in Idaho Code §42-223, forfeiture may occur when a water right, in part or in full, is not used for five consecutive years. The Idaho Water Supply Bank (WSB) is essentially a water exchange market where water rights that are not being used can be made available for use by other users through lease and rental processes. I have enclosed a Water Supply Bank overview package for your reference. Please feel free to contact our office if you have any follow-up questions on the WSB.

Note: More information regarding the Idaho Water Supply Bank can be found on IDWR's website at: <https://idwr.idaho.gov/iwrb-overview/iwrb-programs-overview/water-supply-bank/>

If you have any questions regarding this matter, please feel free to contact us at the number listed above.

Best,

Sadie Sundahl
Water Resource Agent
sadie.sundahl@idwr.idaho.gov

Overview of the Idaho Water Supply Bank

The Idaho Water Resource Board ("Board") has the authority to operate the Idaho Water Supply Bank (Bank). The purposes of the Bank are to encourage the highest beneficial use of water, provide a source of adequate water supplies to benefit new and supplemental water uses, and provide a source of funding for improving water user facilities and efficiencies (Section 42-1761, *Idaho Code*). The Bank is essentially a water exchange market operated by the Board to assist in marketing the water rights of natural flow and water stored in Idaho reservoirs. It is a mechanism by which water rights that are not being used can be made available for use by others through the lease and rental process.

The Bank includes two distinctly different categories of exchange markets. The first manages water stored in reservoirs called **Rental Pools**. The second is called the **Board's Water Supply Bank** (Board's bank), which manages the exchange of natural flow water rights (surface and ground water) and privately held storage water rights (see Idaho Water Supply Bank flow chart, pg 2).

Board's Bank

The Director of the Idaho Department of Water Resources ("Director," "Department") administers the Board's bank on behalf of the Board (Water Supply Bank Rules, IDAPA 37.02.03, Board Resolutions May 16, 1997, December 11, 1998).

Applications to lease or rent water (see Definitions of Commonly Used Terms, page 6) from the Board's bank are currently received and processed by the Department. Unless a resolution is specifically required by the Board, these applications are approved by the Director or other authorized department staff.

The owner or other authorized agent may offer to **lease** all or a portion of a water right to the Board's bank by filing an Application to Lease a Water Right to the Board's Water Supply Bank. Water authorized for diversion under a leased right is then made available for rent by another water user. A party may request to **rent** water from the Board's bank by filing an Application to Rent Water from the Board's Water Supply Bank. The Department identifies whether one of the rights in the Board's bank meets the needs of the renter and whether rental of the specific right for the proposed use is consistent with the rules of the Board's bank. The water right owner, or lessor, receives a payment only if a rental is executed on the water right in a given year.

In accordance with Section 42-1764, *Idaho Code*, rental of water from the Board's bank may be a substitute for the transfer proceeding requirements of Section 42-222, *Idaho Code*. Therefore, rental of water under a water right in the Board's bank can authorize a change in point of diversion, place of use, or nature of use. For rentals of more than five (5) years, the Department is required to publish notice and obtain Board review. An annual rental fee is assessed for approved rentals and is based on the current rental rate approved by the Board times the annual volume rented.

Additional information to address frequently asked questions (FAQs) about the lease and rental processes is provided in the General Information section, page 4.

Rental Pools

There are currently five rental pools in Idaho, which are operated by local committees appointed by the Board. They include the following:

- Water District 01 Rental Pool – upper Snake River (upstream of Milner Dam near Burley)
- Water District 63 Rental Pool -- Boise River
- Water District 65 Rental Pool – Payette River
- Water District 65K Rental Pool – Payette River on Lake Fork Creek

- Water District 74 Rental Pool – Lemhi River (Created by special legislation to authorize the exchange of natural flow water rights to satisfy the Board’s minimum stream flow water right on the Lemhi River)

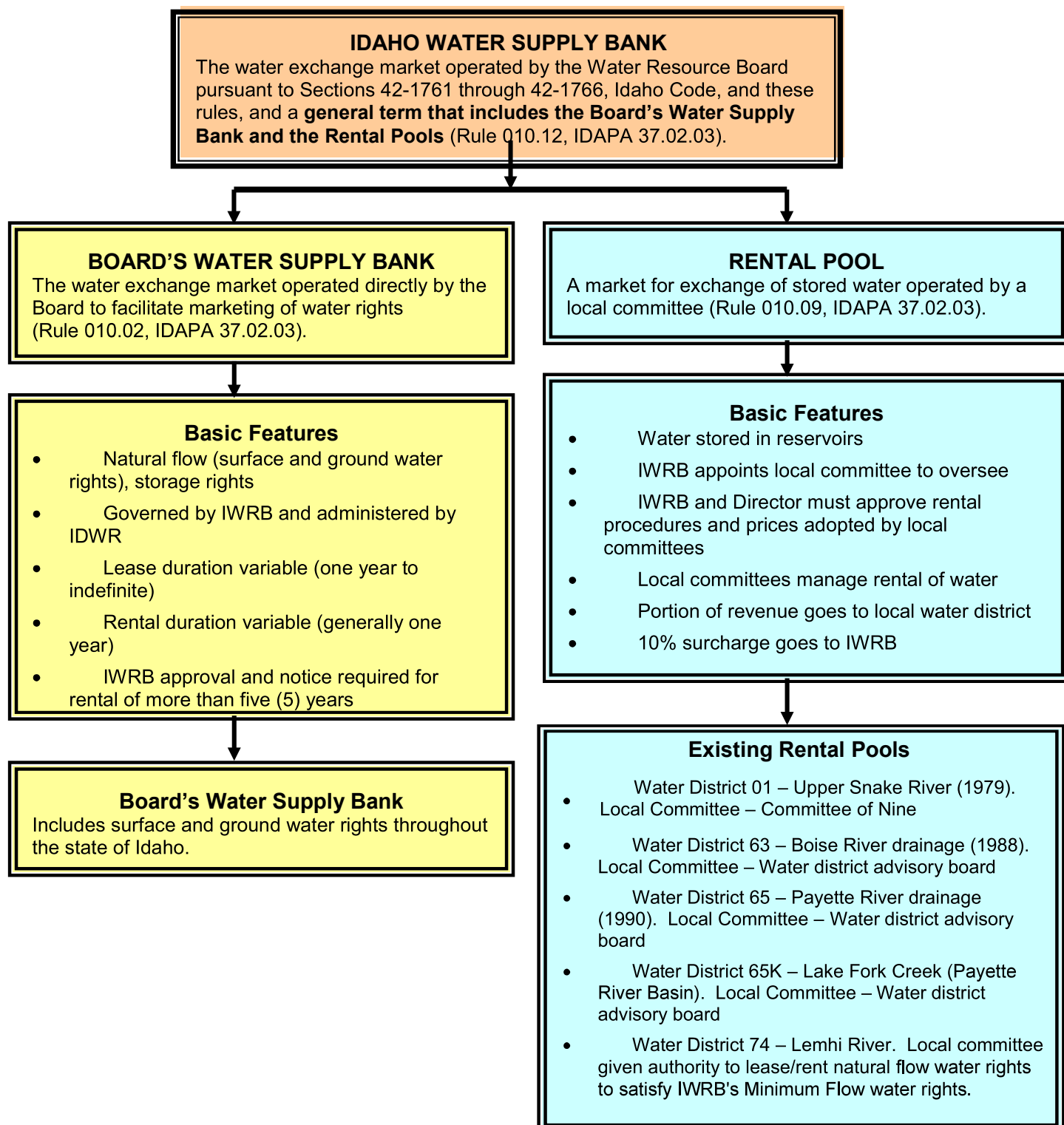


Figure A. Water Supply Bank Flow Chart

History of the Idaho Water Supply Bank

Water users in eastern Idaho employed a rental pool for years before the current statutory mechanism was enacted that created the Idaho Water Supply Bank (Bank). The rental pool allowed entities with surplus storage water to make it available to water users who did not have enough water in a particular water year.

Many canal companies hold natural flow rights with senior priority dates adequate for providing a full supply of water. In years when a company has excess water, it must weigh the benefit of renting the storage to another user against the risk that the storage space may not refill during the following season. If the risk is seen to be reasonable, the surplus water is made available to other users.

The first known annual rental pool transfers occurred during the drought period of the 1930s when 14,700 acre-feet of water was rented for 25 cents per acre-foot. By 1978 the annual rental price had increased to 75 cents per acre-foot with part of the fee going to the entity supplying water to the rental pool and part going to the water district to cover administrative costs.

In 1979 the Idaho Legislature formalized the program of annual leases of storage water entitlements. The legislation set into law a 1976 policy recommendation of the state water plan that called for the creation of a “water supply bank...for the purpose of acquiring water rights or water entitlements from willing sellers for reallocation by sale or lease to other new or existing uses.” The responsibility for the Bank was placed under the Idaho Water Resource Board (Board).

During this time the Board also appointed the Water District 01 advisory committee, also known as the Committee of Nine, as the local committee to administer the rental pool in the Upper Snake River Basin. The district covers the area of the state served by Snake River water from the Wyoming border to Miner diversion dam near Twin Falls. The river irrigates about 1.2 million acres from natural flows held by private canal companies, together with about 4.1 million acre-feet of storage space in federal private reservoirs.

In 1988 a second rental pool was started in the Boise River drainage basin (Water District 63). This system serves about 300,000 acres of irrigated farmland with natural flow and about one million acre-feet of storage in three federal reservoirs. In 1990 the third major rental pool was formed on the Payette River drainage (Water District 65).

Smaller rental pools include the Lake Fork Creek rental pool (Water District 65K) in the Payette River basin and the Lemhi rental pool (Water District 74) in the Lemhi River basin. The latter was formed in 2001 after special legislation approved a minimum instream flow water right in the name of the Board and the creation of a rental pool to provide for the lease and rental of natural flow water rights to satisfy this right. This is the only rental pool managing the exchange of natural flow water rights. It was specifically formed to prevent a call on water rights by the National Marine Fisheries Service (NMFS) under the Endangered Species Act in the lower 7.5-mile reach of the Lemhi River.

Additionally, the Shoshone-Bannock Tribal Water Supply Bank operates similarly to a rental pool and provides for the rental of water accruing to federal contract storage rights in American Falls and Palisades reservoirs pursuant to IDAPA 37.02.03 and 37.02.04 and the 1990 Fort Hall Agreement.

Though the majority of activity in the Bank takes place in the rental pools, activity and interest in the Board’s bank has increased since 2010, in part, due to drought conditions, restrictions on the processing of new water rights, mitigation requirements in moratorium areas, and increased monitoring of illegal diversions.

General FAQs

What is the Board's Bank: The Board's bank is a program administered by the department on behalf of the Board that allows water users who are not using their water rights to make water available to those in need of water on a temporary basis.

Board's Bank vs. Rental Pools: The **Board's bank** manages the lease and rental of natural flow water rights (ground water and surface water) and privately held storage rights throughout the state of Idaho, while the **rental pools** manage the rental of stored water at specific storage locations (e.g. there are rental pools on the Upper Snake, Boise, and Payette rivers).

Available Information on the Board's Bank: Lease and rental forms and general information about the Board's bank and rental pools are accessible through the department's website at the following address:

<https://idwr.idaho.gov/iwrb/programs/water-supply-bank/resources/>

Information about the Bank, administration, applications and forms, application processing spreadsheet, and an online map search tool are accessible from the above linked resources page.

Leasing Information – FAQs

Why Lease: If all or a portion of a water right is not being used, it may be leased into the Board's bank. The lessor will receive a payment only if the right is rented. Additionally, leasing a right into the Board's bank is one method of protecting a right against forfeiture due to non-use, pursuant to sections 42-223(5) and 42-1764, *Idaho Code*.

How to Lease: To lease a right into the Board's bank, an Application to Lease a Water Right to the Board's Water Supply Bank must be completed and submitted to the Department with the filing fee. (see Sections II or III, Part 1 for additional details).

Valid Water Right: Water rights and permits offered for lease into the Board's bank must be valid and not subject to abandonment or forfeiture, pursuant to section 42-222(2), *Idaho Code*. If the water right has not been used in the previous five years, evidence that the water right has been protected from forfeiture pursuant to section 42-223, *Idaho Code*, must accompany the lease application or the application will be considered incomplete and returned.

Lessor: The individual or entity offering a water right for lease is considered to be the "lessor". If there are multiple current owners listed on the water right, all owners must sign the application for proportionate payment or complete a Designated Lessor form appointing one person to receive payment on behalf of all owners. If the applicant is not the current water right owner, a Notice of Ownership Change must also be filed and processed or written authorization from the water right owner to offer the right for lease must be provided.

Lease Term: A lease term begins on January 1 and ends on December 31, for lengths of one (1) to five (5) years. The lessor may request one (1) to five (5) calendar year terms on the lease application. The approved lease term is identified on the issued Lease Contract.

Leased Water Right Usage: While a water right, or portion, is under an active Lease Contract with the Board's bank, the owner of the water right may not use the portion or water right during the lease term.

Lessor (Warrant) Payment: Payment to the lessor is contingent upon rental of the water right from the Board's bank. The Department retains ten percent (10%) of the gross amount received from the rental of a water right is for administrative fees. The remaining ninety percent (90%) is issued back to the lessor. Payments to the lessor are issued at the end of the current rental year to ensure compliance with the Lease Acceptance.

Rental Rate: The Board establishes a rate in dollars per acre-foot for the rental of water from the Board's bank referred to as the current rental rate. Unless otherwise agreed upon by the lessor and the renter (pre-negotiated price with the lease) and approved by the Director, the price for rental of a water right leased to the Board's bank will be the current rental rate. The current rental rate includes all administrative fees.

Stacked Water Rights: Water rights are "stacked" when two or more water rights, generally of different priorities and often from different sources, are used for the same use and overlies the same place of use. Water rights for irrigating a permissible place of use are not stacked when the water rights in total provide for irrigating up to the maximum acreage authorized within a permissible place of use.

Applicants are generally required to offer the corresponding portion of each of the stacked rights for lease to the Board's bank to avoid enlargement of the right through "unstacking" one or more of the water rights. Consequently, land irrigated with stacked water rights generally must be "dried up" for the duration of the lease period. An exception is allowed if a supplemental irrigation right can be leased to the Board's bank as described below.

Supplemental Water Rights: A supplemental irrigation water right can be leased to the Board's bank. However, additional information may be required to determine the volume historically diverted under the water right and the water right may be limited to rental as a supplemental irrigation water right. Additionally, the Department is authorized to deny acceptance of a water right into the Board's bank based on the viability of renting a right.

Release (Cancellation) of a Leased Water Right or Portion: A request to cancel and release a water right from the Board's bank must be made upon forms furnished by the Department and will only be approved if the water right is not rented. To reduce or increase the portion of a water right leased, a new application and filing fee is required. A change to an existing lease cannot be approved if it is rented.

Rental Information – FAQs

Why Rent: If an individual or entity needs new or additional water for a use that requires a water right, water can be rented from the Board's bank to authorize the use. A rental should not be used as an authorization to drill a new well since rentals are not permanent approvals.

How to Rent: An Application to Rent Water from the Board's Water Supply Bank must be completed and submitted to the Department for review and approval.

Renter: The individual or entity requesting to divert water under the authority of the water right(s) leased to the Board's bank is considered to be the "renter".

Rental Period: The renter may specify the number of years from one (1) to five (5) and the season of use they want to rent water from the Board's bank. Approved rental terms are limited to the lease term of the rented water right(s). For rental requests of more than five (5) years, the Department is required to publish notice and obtain Board review.

Rental Fee: A fee is charged to rent water from the Board's bank. The fee is based on the volume of water rented in acre-feet and the current rental rate set by the Board, or the negotiated, private rate with the lessor. The majority of water rights are rented at the current rental rate. The rental fee includes all administrative fees and is generally collected on an annual basis.

Rental Rate: The Board establishes a rate in dollars per acre-foot for the rental of water from the Board's bank referred to as the current rental rate. Unless otherwise agreed upon by the lessor and the renter (pre-negotiated price) and approved by the Director, the price for rental of a water right leased to the Board's bank will be the current rental rate. The current rental rate includes all administrative fees.

Selecting a Water Right to Rent: Once a rental application is filed, the Department reviews whether there is a right leased to the Board's bank that will meet the needs of the renter. There must also be a reasonable hydraulic connection between the water source and point of diversion of the leased water right and the source where the rented water will be diverted.

If the rental is for ground water within the Eastern Snake Plain Aquifer, or other special administrative area, the renter is required to identify a suitable water right to rent and provide an impact analysis with the rental application (See page 6 of the Application to Rent).

Water rights in the Board's bank that have a common source of supply are generally rented from the Board's bank in the order that the water rights were leased to the bank. In other words, the first right leased to the Board's bank has rental priority over water rights leased at a later time.

Definitions of Commonly Used Terms

The following terms are commonly used in the administration of the Board's bank. Those clarified by Idaho statutes, administrative rules, or other administrative actions are referenced accordingly.

Application to Lease a Water Right to the Board's Water Supply Bank – An application filed with the department by the owner, or other authorized party, of a water right to offer all or a portion of a water right for lease to the Board's bank.

Application to Rent Water from the Board's Water Supply Bank – An application filed with the department to rent water from the Board's bank. The quantity of water, place of use, point of diversion, purpose of use, and period of use are also specified on the application.

Board's Water Supply Bank – The water exchange market operated directly by the Board to facilitate marketing of water rights (WSB Rule 010.02). The Board's bank includes ground and surface water rights and privately held storage rights throughout the state. The department administers the Board's bank on behalf of the Board.

Companion Applications – An application to lease a water right filed together with an application to rent water under the same water right. In some cases, both applications are filed by the same owner. These applications can be processed together if consistent with the rules governing the Board's bank.

Current Rental Rate – The Board establishes a rate in dollars per acre-foot for the rental of natural flow water rights referred to as the current rental rate. Unless otherwise agreed upon by the lessor and the renter (pre-negotiated price) and approved by the Director, the price for rental of a water right leased to the Board's bank will be the current rental rate. The current rental rate includes all administrative fees. As of January 19, 2024 the current rental rate is \$33.00 per acre-foot. Rates are subject to change upon resolution by the Board.

Lease – To convey by contract a water right to the Board's bank or stored water to a rental pool operated by a local committee (WSB Rule 010.05). The five (5) year period of nonuse for forfeiture is stayed while a water right is leased to the Idaho Water Supply Bank (Section 42-1764, *Idaho Code*).

Lease Acceptance – An approval document issued by the Department, signed by the Director or other authorized staff, outlining the terms of the lease of a water right, or portion thereof, to the Board's bank.

Lease Begin Date – The effective date a water right is accepted into the Board's bank, typically January 1st. This date is specified on the Lease Acceptance.

Lease (Warrant) Payment – If a leased water right is rented from the Board's bank, a portion of the rental fee is paid to the lessor. The Department retains ten percent (10%) of the gross amount received from the rental of a water right in the Board's bank is for administrative fees. The remaining ninety percent (90%) is issued back to the lessor at the end of the current rental year.

Lease Period/Term – The length of time and period the right, or portion thereof, is leased to the Board's bank, typically in calendar years.

Lessor (Designated)– The individual or entity that files the application to lease all or a portion of a water right to the Board's bank. The lessor may be the owner of the water right or other authorized party. If the lessor is not the water right owner, the lessor must show proof of authorization to lease the water right to the Board's bank.

Rent – To convey by contract a water right from the Board's bank or stored water from a rental pool (WSB Rule 010.08). The approval of a rental of water from the Bank may substitute for a transfer (Section 42-1764, *Idaho Code*).

Rental Agreement – The approval document that authorizes rental of water from the Board's bank. The approval is issued in the form of an agreement to be signed both by the Director, or other authorized staff, and the renter. The agreement outlines the terms of the rental and conditions of use.

Rental Fee – A fee is charged to rent water from the Board's bank. The fee is based on the volume of water rented in acre-feet and the rental rate set for the water right (dollars per acre-foot) at the time the right is leased to the Board's bank. The majority of water rights are rented at the current rental rate. The rental fee includes all administrative fees and is generally collected on an annual basis.

Rental Rate – The Board establishes a rate in dollars per acre-foot for the rental of natural flow water rights referred to as the current rental rate. Unless otherwise agreed upon by the lessor and the renter (pre-negotiated price) and approved by the director, the price for rental of a water right leased to the Board's bank will be the current rental rate. The current rental rate includes all administrative fees.

Rental Period – The period of time the rental of water is authorized under the executed rental agreement. For rentals of more than five (5) years, the Department is required to publish notice and obtain Board review (WSB Rules 030.02 and 030.05). Rental terms cannot exceed the lease term of the rented right.

Rental Pools – The water exchange market for water stored in reservoirs operated by local committees appointed by the Board pursuant to (WSB Rule 040). See Summary of the Idaho Water Supply Bank above for additional information about existing rental pools.

Renter – The individual or entity that files the application to rent water from the Board's bank.

Water Supply Bank – The water exchange market operated by the Water Resource Board pursuant to Section 42-1761 through 42-1755, *Idaho Code*. This is a general term that includes both the Board's Bank and rental pools (WSB Rule 010.12).

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

GENERAL INFORMATION AND INSTRUCTIONS

Pursuant to Section 42-222(1), *Idaho Code*, a transfer application may be filed to change the point of diversion, place of use, period of use, or nature of use of all or part of an established water right. Any person proposing to make such a change is required to file a transfer application with the Department. "Such application shall be upon forms furnished by the department and shall describe the [water right] to be changed and the changes which are proposed and shall be accompanied by the statutory filing fee." *Idaho Code* § 42-222(1).

The Department has developed this application form to assist applicants in satisfying the requirements of Section 42-222(1). This application form requests information about the applicant's authority to file (Part 1), information about the current elements of the water right(s) to be changed (Part 2), information about the proposed changes (Part 3), information about the validity of the water right(s) and the effects of the proposed changes (Part 4), and confirmation that the information provided is truthful (Part 5).

The applicant or their representative must provide a response for all applicable questions, any additional information required, and the proper filing fee before this application will be considered complete. If an application is incomplete or more information is required, the Department will notify the applicant or representative and allow time for the application to be completed. An application that remains incomplete will be returned to the applicant and the filing fee will be refunded.

An application for transfer is limited to the changes proposed for a single water distribution system. A proposal to change two or more separate water distribution systems, that will remain separate after the transfer, must be filed as separate applications. Applicants may provide additional pages to supplement their responses to the questions posed on this application form. Supplemental forms for listing additional water rights, points of diversion, or places of use can be found on the Department's website (idwr.idaho.gov). If you need assistance understanding the questions on this form, generating current water right reports, determining legal descriptions, or accessing water measurement records feel free to contact the nearest regional office of the Department.

PART 1 – CONTACT INFORMATION, OWNERSHIP RECORDS, AUTHORITY TO FILE

Name(s) of Applicant(s) _____

Mailing Address _____

Email* _____ **Phone** _____

Name of Representative (if any) _____

Mailing Address _____

Email* _____ **Phone** _____

*If an email address is provided, Department staff will use email as the primary method for corresponding with the applicant and representative about the application.

A. Representative. If the representative is authorized to sign or amend the application on behalf of the applicant, attach documents confirming that authority. Label documents as Attachment 1A.

B. Current Owner. If the applicant is not the current owner of record for all water rights included in this application, attach documents showing that the applicant has the authority to make the proposed changes. Label documents as Attachment 1B.

C. Updating Ownership Records. Applicants needing to update the ownership records for any of the water rights included in this application must attach documents supporting the ownership change. Such documents must trace ownership of the subject water rights or the current place of use for the subject water rights from the current owner of record for the water rights to the applicant. Label documents as Attachment 1C.

D. Business Entities. If the applicant is a business entity (corporation, LLC, partnership, trust, etc.), is the entity currently registered with the Idaho Secretary of State?

☐ Yes. If this application is signed by someone other than a person listed on the most recent annual report filed with the Idaho Secretary of State, attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

☐ No. Attach documents confirming the authority of the signer to sign on behalf of the business entity. Label documents as Attachment 1D.

E. Approval of Irrigation Delivery Entity. Section 42-108, *Idaho Code*, states that a transfer application proposing to change water rights held by an irrigation company or district requires the consent of the irrigation entity. If this application proposes to change water rights held by an irrigation entity, attach a letter of consent from the entity (labeled as Attachment 1E) or have an authorized representative of the entity co-sign the application.

F. Encumbered Properties. If the current place of use for the water rights included in this application is subject to a lien, deed of trust, mortgage, or contract and the application proposes to change the nature of use of the water rights or to move water rights off the current place of use, attach a statement of consent for the change signed by the lien holder, trustee, mortgagor or contract holder. Label documents as Attachment 1F.

G. Legal Access. If the applicant is not the current owner of the proposed point(s) of diversion, conveyance system, or place(s) of use, provide evidence of legal access to the land or infrastructure not owned by the applicant. Label documents as Attachment 1G. For example, an applicant may provide a letter of consent from the owner of the land or conveyance system or may have the owner co-sign the application. For applications proposing to divert water on or convey water across federal land, an applicant is not required to demonstrate legal access to the federal land prior to approval. Instead, if the transfer application is approved, the applicant must obtain access authorization from the relevant federal agency prior to diverting water under the subject water rights.

PART 2 – WATER RIGHTS BEFORE PROPOSED CHANGES

A. Current Water Rights. For each water right proposed to be changed, attach a current water right report obtained from any Department office or from the Department's website (idwr.idaho.gov). Label water right reports as Attachment 2A.

B. Map of Current System. Attach a map of the current point(s) of diversion and place(s) of use for the water rights to be changed. The map should clearly depict the elements of the water rights to be changed. For example, if the application proposes to change the point of diversion for a water right, the map should display the current location of the point of diversion. For irrigation water rights, the map should also identify the location of the irrigated acres to be changed. Label map as Attachment 2B.

C. Current Location of Irrigated Acres. If this application proposes to change the place of use or nature of use for only a portion of an irrigation water right, use the following table to identify the current location of the irrigated acres to be changed. If additional pages are required, label additional pages as Attachment 2C. If this application proposes to change or rearrange the entire place of use for irrigation water right(s), skip to Part 3.

☐ **N/A.** This application does not propose to change the place of use or nature or use of an irrigation water right or this application proposes to change the place of use or nature of use for an entire irrigation right.

Current Location of Irrigated Acres to be Changed

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Irrigated Acres to be Changed: _____

PART 3 – DESCRIPTION OF PROPOSED CHANGES

A. Purpose of Transfer. Section 42-222(1), *Idaho Code*, states that transfer applications may only be filed to change the point of diversion, place of use, period of use, or nature of use of an established water right. Section 42-248(3), *Idaho Code*, authorizes water right ownership changes to be described on a transfer application. Identify the changes proposed in this application:

- ☐ Change point(s) of diversion
- ☐ Add point(s) of diversion
- ☐ Change nature of use
- ☐ Change place of use
- ☐ Change period of use
- ☐ Update water right ownership records

B. Proposed Changes. Describe the proposed changes in narrative form:

C. Summary of Proposed Changes.

1. Water Rights. Use the following table to list all water rights, or portions thereof, that are proposed to be changed as they would appear after the proposed changes. In the Amount column, list the volume in acre-feet (af) for storage uses or the rate in cubic feet per second (cfs) for all other uses.

All or Part	Right Number	Amount (cfs/af)	Nature of Use	Period of Use	Source
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____
☐ ☐	_____	_____	_____	_____ to _____	_____

2. Total Amounts. Calculate the total quantity, in cfs or af, of water rights that are proposed to be changed through this application. For an application proposing to only change the place of use for irrigation rights, the total quantity of water is calculated by comparing the current place of use to the proposed place of use, summing the number of acres increased in each legal subdivision, and quantifying the proportional amount of diversion rate for the increased acres. For an application proposing to change or add points of diversion for irrigation or any other beneficial use, the total amount is the total diversion rate for the changed portion of the right.

Total Amount of Water Rights Proposed to be Changed: _____ cfs and/or _____ af.

3. Point(s) of Diversion. Use the following table to list all the proposed points of diversion for the water rights to be changed, including any current points of diversion that will continue to be used as part of the proposed water distribution system.

The legal description for the proposed point(s) of diversion must be to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System (PLSS). PLSS information is typically available from USGS topo maps, property deeds, tax bills or various mapping tools on the Department's website.

For points of diversion within platted subdivisions, list the lot and block number in the "Diversion Name/Number" column. An application proposing an injection into a stream and a re-diversion from that stream must list the source for the original diversion as the source for the injection and re-diversion points. If this application proposes construction of a new diversion structure (for example, a new ground water well or a new pump station on a creek), please indicate the status in the appropriate column.

☐ N/A. This application does not propose to add or change any points of diversion.

Proposed Points of Diversion

New?	Twp	Rge	Sec	Lot	1/4	1/4	1/4	County	Source	Diversion Name/Number

4. Place of Use. The proposed place of use must be described to the nearest 40-acre subdivision (QQ) or U.S. Government Lot of the Public Land Survey System. Government lot numbers can be noted in parenthesis below the approximate quarter-quarter location of the government lot. For water rights held by irrigation districts, municipal providers or irrigation companies, the proposed place of use may be generally described as authorized by Sections 42-202B, 42-219 and 42-222B, *Idaho Code*.

☐ N/A. This application does not propose to change the place of use.

Proposed Place of Use

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Irrigated Acres: _____

5. Map of Proposed System. Attach a map showing the location of the points of diversion, reservoirs, dams, canals, ditches, pipelines and other works proposed to divert and convey water. Also show the location of the place of use, including any lands to be irrigated. The map should delineate the legal subdivisions including townships, ranges, sections, quarter-quarters and government lots. Label map as Attachment 3C.

PART 4 – ADDITIONAL INFORMATION

Section 42-222(1), *Idaho Code*, establishes the criteria used to evaluate transfer applications. An applicant bears the burden of demonstrating that the water right to be changed is a valid right, that the proposed use is a beneficial use, and that the proposed changes will not injure other water rights, will not enlarge the use of the original rights, are in the local public interest, and are consistent with the conservation of water resources within the state of Idaho. To satisfy this burden, an applicant must provide sufficient data and information for the

Department to evaluate the effects of the proposed change. The Department may deny an application if the applicant fails to provide sufficient data and information to determine whether the criteria from Section 42-222(1) are satisfied. In addition to the information requested in Parts 1-3 of this application, the following information must be provided for an application to be considered complete. Department staff may request additional information or clarification as the application is processed.

A. Validity of Water Rights

1. If one or more of the water rights proposed to be changed is a statutory claim, established pursuant to Section 42-248, *Idaho Code*, attach evidence supporting the priority date claimed. Label documents as Attachment 4A-1. For statutory claims, the Department may conduct a field inspection as part of the application review process to evaluate the water right elements listed on the statutory claim.

2. Has any portion of the water right(s) proposed to be changed undergone a period of five or more consecutive years of non-use?

☐ Yes. Attach a statement describing the portion of the right(s) that were not used and the length of time of the non-use. In addition, identify any exception or defense to forfeiture and provide a detailed description as to why the water rights have not been lost and forfeited for non-use. Label documents as Attachment 4A-2. Statutory exceptions or defenses to forfeiture are set forth in Section 42-223, *Idaho Code*.

☐ No.

B. Injury to Other Water Rights

1. Identify any other water right(s) diverted at the current point(s) of diversion.

2. Identify any other water right(s) diverted at the proposed point(s) of diversion.

3. Is the proposed point of diversion within a state water district? ☐ Yes. Water District #____. ☐ No.

4. If already constructed and in use, are the proposed points of diversion equipped with Department-approved measuring devices? ☐ Yes. ☐ No.

5. If this application proposes to divert a surface water right from a ground water well, attach a technical analysis evaluating the hydraulic connection between the proposed ground water point of diversion and the source of water listed on the right to be changed. Label technical analysis as Attachment 4B-5.

6. If this application proposes changing the point of diversion for a ground water right in the Eastern Snake Plain Aquifer (ESPA), attach a technical analysis of the anticipated depletions to reaches of the Snake River that are hydraulically connected to the ESPA using the Department's current ground water model for the ESPA. The technical analysis must evaluate depletion impacts in a time-series format at transient and steady state time steps. To assist applicants in preparing the required technical analysis, the Department has developed a transfer tool interface for the ESPA model. The transfer tool and user instructions can be downloaded from the Department's website (idwr.idaho.gov). If the proposed and current points of diversion are in the same or adjacent model cells, no technical analysis is required, unless specifically requested by the Department. Label technical analysis as Attachment 4B-6.

C. Enlargement in Use

1. Identify any other water rights used at the current place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

2. Identify any other water rights used at the proposed place of use, including the number of shares in a canal company or acres assessed by an irrigation district.

3. If this application proposes changing the place of use or nature of use for irrigation water rights, will the current place of use, for the portion of the right to be changed, continue to be irrigated?

☐ Yes. Identify the water right(s) to be used for the continued irrigation.

☐ No. The place of use for the portion to be changed will no longer be irrigated.

☐ N/A. The application does not propose to change the place of use for irrigation rights.

4. Unstacking Water Rights for Irrigation. If this application proposes to change the place of use for an irrigation water right that is combined with other irrigation rights at the current place of use but does not propose to change the place of use for all the stacked irrigation rights, attach evidence of the historical consumptive use occurring under all water rights at the current place of use. For irrigation rights, this should include at least five years of diversion data and/or crop data and estimates of evapotranspiration. Label the information as Attachment 4C-4. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

5. If the application proposes to change the nature of use for a water right, attach evidence of the historical consumptive use occurring under the portion of the water right to be changed. For irrigation rights, this should include diversion data, crop data and estimates of evapotranspiration. Label the information as Attachment 4C-5. Evapotranspiration data may be available on the Department's website (<http://et-idwr.idaho.gov>)

6. If the application proposes to change the nature of use of a water right to municipal use for reasonably anticipated future needs, complete the form titled "Municipal Water Right Application Checklist" found on the Department's website (idwr.idaho.gov). Label the form as Attachment 4C-6.

7. To your knowledge, are any portions of the water rights proposed to be changed:

Yes	No
☐	☐

currently leased to the Water Supply Bank?

If yes, complete the form titled "Application for Transfer of Water Right Attachment WSB" found on the Department's website (idwr.idaho.gov). Label the Form as Attachment 4C-7.

☐	☐
☐	☐
☐	☐

currently used in a mitigation plan limiting the use of water under the right?

subject to an agreement not to divert (CREP)?

currently enrolled in a federal set-aside program (CRP)?

D. Local Public Interest

The department must consider whether the proposed changes are in the local public interest as defined in Section 42-202B(3), *Idaho Code*. Some of the local public interest factors that may be considered in conjunction with a transfer application are (1) Recreation, fish, and wildlife impacts, (2) Water quality or contamination concerns, (3) Local and state ordinances, regulations, or policies related to water use, (4) Goals, requirements and limits set forth in the State Water Plan. If you choose to provide information about local public interest factors, label the information as Attachment 4D.

E. Conservation of Water Resources

Describe the diversion works and water delivery system. This may include sizes and dimensions of pumps, pipelines, headgates, ditches, dams, impoundments and irrigation equipment.

PART 5 – FILING FEE AND SIGNATURE

A. Filing Fee. Filing fees for transfer applications are set forth in Section 42-221.O, *Idaho Code*. A table summarizing the filing fees for transfer applications is also found on the Department's website (idwr.idaho.gov). Any application proposing to change the nature of use for one or more rights requires an additional filing fee of \$250. Applications proposing to update the ownership records for water rights must also include the appropriate filing fee to update the ownership records. For any application relying on the filing fee set forth in Section 42-221.O.8, *Idaho Code*, attach a statement describing how the application qualifies under Section 42-221.O.8. Label documents as Attachment 5A.

B. Affidavit of Applicant or Representative:

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

 Signature of Applicant or Representative*

 Print Name and Title, if applicable

 Date

 Signature of Applicant or Representative*

 Print Name and Title, if applicable

 Date

*If water rights included in this application are owned by multiple people or entities, each owner must sign the application form.

FOR DEPARTMENT USE ONLY

Fee Paid: \$ _____	Receipt #: _____	Date: _____	Received by: _____
Add'l Paid: \$ _____	Receipt #: _____	Date: _____	Received by: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, [see #7](#) of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: _____
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): _____
New owner(s) as listed on the conveyance document Name connector ☐ **and** ☐ **or**

Mailing address _____ City _____ State _____ Zip _____

Telephone _____ Email _____

4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: _____.
6. Do you own the land identified as the water right place of use? Yes ☐ No ☐
 o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.
7. This form must be signed and submitted with the following **REQUIRED** items:
☐ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☐ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

8. Signature: _____
 Signature of new owner/claimant Title, if applicable Date

 Print name

Signature: _____
 Signature of new owner/claimant Title, if applicable Date

 Print name

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
**INSTRUCTIONS FOR FILING A
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Idaho Code §§ 42-248 and 42-1409(6). All persons owning or claiming ownership of a water right or claim are required to provide notice to the Department of Water Resources (IDWR) of any change in ownership of any part of the water right or claim or of any change in the owner's mailing address within 120 days of the change. Forms to report ownership changes and/or to update an address are available on IDWR's website at www.idwr.idaho.gov/forms/water-rights.html. In addition, all new owners of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

A notice is required for changes in ownership from one individual to another, from an individual to a business entity (even if the business is owned by the individual), or from one business entity to another (even if both businesses are owned by the same individual). Adding or removing a name is considered an ownership change which requires the submission of evidence to support the change and the filing fee.

Separate brochures describing the adjudication of water rights and the ownership change notice requirement are available from IDWR. Please contact your nearest IDWR office if you would like more information or need help completing this form. A list of IDWR offices is on page 2 of these instructions, or you can call 1-800-451-4129. Water right information can be found on the IDWR's website using the [Water Right and Adjudication Search](#).

Please note:

- Unlike licensed or decreed water rights and water right permits, which are real property, applications for new water right permits, applications to transfer existing water rights, and other applications are considered the personal property of the applicants. Applicants must assign their interest in an application to the new applicant. Assignment forms are available on the IDWR's website at www.idwr.idaho.gov/forms/water-rights.html, or from any IDWR office. There is no charge for assignments of applications.
- If you want to change or add a point of diversion, place of use, season of use, or purpose of use of a water right, you must file an Application for Transfer. The ownership of a water right can also be updated through the transfer process.
- The combined portions of a divided ("split") water right cannot exceed the total flow rate, volume, or period of use of the original right.
- IDWR has no jurisdiction concerning easements, rights-of-way, and zoning matters. The buyer and seller must make these provisions where necessary.
- Any action by IDWR updating the ownership of a water right in IDWR's records is not a determination of water right ownership. Water right ownership disputes arising from a notice of change in water right ownership must be resolved in a water rights adjudication or in an action to quiet title.

LINE INSTRUCTIONS:

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be divided ("split") to provide you your share of each right. Mark the box "Yes" if a division of the water right is required.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, and the water rights are held by the organization, please do not use this form to record a change. Please contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but you do not know the numbers, you may contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. Fill in the name of the current water right holder/claimant.
3. Fill in each name as listed on the conveyance document and complete the current contact information. For water rights, IDWR will update the ownership to the individual(s)/entities listed on the conveyance document. For active adjudication claims, IDWR will update the claimant information to match the conveyance document unless the new claimant provides good cause for the variance.
4. You may have acquired only a portion of the water right(s) held by the seller. If you did not acquire the entire water right/property, please check the appropriate box. Water rights are often conveyed as an appurtenance to the land where they are used, and the conveyance document for the land often does not have specific language regarding the water right. Please read your deed or other conveyance document carefully to be sure. When the conveyance document does not specifically address water rights, it will be assumed that the water rights are to be split proportionate to the amount of land acquired.

5. Indicate the date the water rights and/or adjudication claims were conveyed to you. This may be the date of closing in the case of a real estate transaction, the date a contract was signed, or the date of a court order.
6. If you own the land identified as the water right place of use, mark the box "Yes". If you do not own the land identified as the water right place of use, mark the box "No". If you are filing a change in water right ownership and you do not own the land identified as the place of use for the water right, Idaho Code § 42-248(6) requires you to provide written notice of the change in water ownership to the landowner of record, as identified in the records of the county recorder. If you have provided the required written notice, attach evidence that you have done so. IDWR will return your Notice of Change in Water Right Ownership if you are required to provide written notice to the water right place of use landowner and no evidence is submitted.
7. **REQUIRED ITEMS:**

IDWR cannot process this change without **documentation of ownership**. The documentation may be in the form of a deed, court decree or other conveyance document. If you are submitting a quitclaim deed and the grantor's name does not match the water right holder of record, you will need to provide a chain of title that goes back to the water right holder/claimant of record. You may obtain this information from the assessor's office in the county where the property is located. Items that are **not** conveyance documents are deeds of trust, mortgages, purchase and sales agreements, and property tax notices.

Submit a **plat map, survey map, or aerial photograph** of the place of use for each water right or claim listed in item #1 (if necessary to clarify division of water rights or complex property descriptions). If your right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent aerial photograph with the irrigated acres outlined and point(s) of diversion clearly marked. You also have the option of printing a map using the [map tool](#) on IDWR's website. It is not necessary to obtain a new survey for purposes of this form before contacting IDWR.

The Idaho Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication or the Northern Idaho Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the **filing fee** is \$25 per water right, except for those water rights that will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right.

If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. If you are unsure about the status of your water right in the Water Supply Bank, go to the [Water Supply Bank Lease Search](#), input your water right number, and click "Search.". Water rights with multiple owners must specify a designated lessor, using a completed [Lessor Designation](#) form. Each of the owners must sign the Lessor Designation form. Payment of revenue generated from any rental of a leased water right requires a completed [IRS Form W-9](#) for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s). If your water right is in the Water Supply Bank and you want to release it so you can use it, complete and submit the [Request to Release](#) form. Your water right may not be available for immediate release if rented by another water user.

8. One of the new owner(s) must sign the form in the space(s) provided. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.

When you have completed the Notice of Change in Water Right Ownership, retain a copy and **file the original form, necessary attachments, and filing fee with the IDWR office nearest you. Ownership changes for water rights leased to the Water Supply Bank should be sent to the State Office.**

IDWR Northern Region
7600 N Mineral Dr, Ste 100
Coeur d'Alene, ID 83815-7763
(208) 762-2800

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR State Office
322 E Front St, Ste 648
PO Box 83720
Boise, ID 83720-0098
(208) 287-4800

IDWR Eastern Region
900 N Skyline Dr, Ste A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Southern Region
650 Addison Ave W, Ste 500
Twin Falls, ID 83301-5858
(208) 736-3033